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8 GODADDY.COM, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 PETROLIAM NASIONAL BERHAD,

13 Plaintiff,

14 vs.

15 GODADDY.COM, INC.,

16 Defendant.
17

CASE NO.: 09-CV-5939 PJH

18 **STIPULATION AND [PROPOSED]**
ORDER ENTERING FINAL
JUDGMENT ON PETRONAS'S
CLAIMS AND DISMISSING GO
DADDY'S COUNTERCLAIM
WITHOUT PREJUDICE
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18 GODADDY.COM, INC.,

19 Counterclaimant,

20 vs.
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22 PETROLIAM NASIONAL BERHAD,

23 Counterclaim Defendant.
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Honorable Phyllis J. Hamilton

1 WHEREAS, on January 3, 2012 the Court granted the motion for summary judgment of
2 Defendant and Counterclaimant GoDaddy.com, Inc. ("Go Daddy") as to all claims asserted by
3 Plaintiff and Counterclaim Defendant Petroliam Nasional Berhad ("Petronas") in the above-
4 captioned litigation ("Petronas's claims") and denied GoDaddy's motion for summary judgment
5 as to its counterclaim seeking to cancel Petronas's PETRONAS AND DESIGN trademark
6 registration, U.S. trademark registration Reg. No. 2969707 (the "Trademark claim");

7 WHEREAS, there is no just reason to delay entering final judgment in favor of Go Daddy
8 as to Petronas's claims;

9 WHEREAS, the only claim remaining in this lawsuit is the Trademark claim;

10 WHEREAS, Go Daddy previously asserted a claim substantially identical to the
11 Trademark claim in an action before in the United States Patent and Trademark Office, Trademark
12 Trial and Appeal Board ("TTAB"), entitled *GoDaddy.com, Inc., v. Petroliam Nasional Berhad*,
13 No. 92052741 (the "TTAB proceeding");

14 WHEREAS, on June 7, 2011 the TTAB proceeding was suspended in deference to this
15 lawsuit; and

16 WHEREAS, Go Daddy now seeks to voluntarily dismiss the Trademark claim without
17 prejudice and to prosecute the remainder of the claim in the TTAB proceeding.

18 THEREFORE, the parties to this action, by and through their counsel, hereby STIPULATE
19 AND AGREE that:

20 1. Pursuant to Federal Rule of Civil Procedure 54(b), the Court enter final judgment
21 for Go Daddy and against Petronas as to each and every claim asserted by Petronas in the above-
22 captioned litigation;

23 2. The Court enter voluntary dismissal of the Trademark claim without prejudice; and

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3. Should the TTAB decline a request to lift the suspension of the TTAB proceeding, then Go Daddy may advise this Court within 30 days of such TTAB decision and seek rescheduling of trial of the Trademark claim before this Court.

Dated: February 16, 2012 LAW OFFICES OF PERRY R. CLARK

By: /s/ Perry Clark
Perry Clark
Attorneys for Plaintiff and Counterclaim
Defendant PETROLIAM NASIONAL BERHAD

Dated: February 16, 2012

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ David L. Lansky
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Attorneys for Defendant and Counterclaimant
GO DADDY.COM, INC.

SIGNATURE ATTESTATION

I, David L. Lansky, hereby attest that all signatories to this document have consented to the e-filing of this document.

Dated: February 16, 2012

By: /s/ David L. Lansky
David L. Lansky

Pursuant to stipulation, it is SO ORDERED.

Dated: Hgdtwct{"38."4234_

By: _____
Hon. Phyllis J. Hamilton
United States District Judge

STIP AND [PROPOSED] ORDER ENTERING FINAL
JUDGMENT AND DISMISSAL W/O PREJUDICE
Case No. 4:09-cv-05939-PJH

